

MEMORANDUM ENDORSED

**Federal Defenders
OF NEW YORK, INC.**

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September 2, 2020

Hon. Gregory H. Woods
United States District Court
Southern District of New York
United States Courthouse
500 Pearl Street
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 9/3/2020

**Re: United States v. Heberto Acevedo Molina
20 Cr. 217 (GHW)**

Your Honor:

With no objection from the Government, I write to request that the September 8th, 2020 change of plea proceeding for Mr. Molina be conducted by videoconference or by teleconference if videoconferencing is not available.

Mr. Molina wishes to proceed remotely because he is presently detained at the Metropolitan Correctional Center. It is my understanding, and Mr. Molina's, that protocols currently in place at the MCC require any prisoner returning from an in-court proceeding to quarantine for 14-21 days. During that period, the quarantined inmate is completely locked down, without access to phone calls, emails, personal property or legal materials. While these measures are intended to mitigate the risk from COVID-19, they are extremely harsh and isolating for the quarantined inmate. Accordingly, Mr. Molina would far prefer to enter his plea remotely.

Thank you for your consideration of this request.

Respectfully submitted,

s/
Mark B. Gombiner
Attorney for Heberto Acevedo Molina

Cc: AUSA Timothy Capozzi

Application denied without prejudice. First, as counsel is likely aware, under the current protocol, requests for remote proceedings by CourtCall or teleconference require substantial advance notice; the Court cannot schedule a remote conference to take place on September 8, 2020 at this time. Second, it is not clear that this justification is sufficient to permit the Court to make the findings necessary to conduct a plea remotely under the authority of the CARES Act.

SO ORDERED
September 3, 2020


GREGORY H. WOODS
United States District Judge